

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREA M. WIKE,

Counter-Defendant,

vs.

FRANCIS E. YOUNES, individual capacity;
and TERAH YOUNES, individual capacity;

Counter-Plaintiffs.

8:23CV397

ORDER

This matter comes before the Court on [Filing No. 68](#), Counter-Defendant's, Andrea Wike's, response to counterclaim. The Court construes Wike's motion as a motion to dismiss for failure to state a claim pursuant to [Federal Rule of Civil Procedure 12\(b\)\(6\)](#).

Counter-Plaintiffs, Francis E. Younes and Terah Younes, are ordered to respond to Wike's motion to dismiss within 21 days. "An action for slander of title is based upon a false and malicious statement, oral or written, which disparages a person's title to real or personal property *and results in special damage*." [Wilson v. Fieldgrove](#), 280 Neb. 548, 552, 787 N.W.2d 707, 711 (2010) (emphasis added). The Youneses are ordered to focus their response on how they have properly pleaded special damages, not including their request for attorney's fees which are separately recoverable under [Neb. Rev. Stat. § 76-296](#).

IT IS ORDERED:

1. Francis E. Younes and Terah Younes are ordered to respond to Andrea M. Wike's motion to dismiss, [Filing No. 68](#), on or before May 8, 2024. Wike may, but is not required to, file a reply on or before May 15, 2024.

Dated this 17th day of April, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge